THE HONOURABLE SHRI JUSTICE R.SUBHASH REDDY

-

WRIT PETITION No. 18456 OF 2005

-

Between:

M.Venkateswarlu

… Petitioner

And

The Assistant Director of Fisheries,

Warangal, Warangal District and

others.

… Respondents.

ORDER:

This writ petition is filed seeking a writ of mandamus to declare the action of the respondents in not declaring the results of election held on 24.5.2005 to the Primary Fishermen Cooperative Society, Dornakal as illegal and arbitrary.

The District Collector/District Election Officer, has issued the election programme to the various co-operative societies in the District of Warangal vide his notification dated 24.4.2005 in proceedings Proc. No.1091/D/22004. Consequently, election officer was appointed and he issued election notice dated 10.5.2005 for conduct of elections on 24.5.2005 by show of hands at the scheduled place of Gram Panchayat, Dornakal. As per the election notice, the time for filing nominations was from 9 a.m. to 12.00 noon and the scrutiny of nominations was between 12.00 Noon to 12.30 p.m. The election was at 3 p.m.

It is the case of the petitioner that he and eight others have filed nominations between 9 a.m. and 12 noon, which was the specified time for filing nominations and though there was only one set of nominations i.e. petitioner and others, for election to the managing committee, but the election officer has not announced the results without any valid reasons.

Counter affidavit has been filed by the Assistant Director of Fisheries, Warangal, the first respondent herein, wherein it is stated that the Election Officer has received 9 nominations by 11.40 p.m. from one group and the other group made a complaint that it was stopped from filing nominations and in view of the quarrel among the members of two different groups, election process was stopped and basing on the report which was sent to the District Collector, a person-in-charge was appointed to manage the affairs of the society.

As much as it is clear from the counter affidavit that even before the end of time, i.e. 12 noon, for filing nominations on the date of election, due to disturbance and quarrel among the members of different groups, the election process itself was stopped. As the election process was stopped, election could not be conducted to the posts of President and Members of managing committee. In that view of the matter, no direction can be given to declare the results of election held on 24.5.2005, as no election, in fact, took place.

However, having regard to the nature of business being carried on by the society in question, it is not very practical to manage the affairs of the society by the official person-in-charge. In that view of the matter, I dispose of the writ petition with a direction that if fresh elections are not conducted to the society in question subsequent to the filing of the writ petition, they shall be conducted by following the due process of law within a period of three months from the date of the receipt of a

copy of this order. Inasmuch as the earlier election process was stopped due to quarrel between the members of two groups, the election officer is at liberty seek the assistance of police for conducting the elections in a peaceful manner, whenever such elections are conducted.

Subject to the above direction, the writ petition is disposed of. No costs.

2006. **(R.SUBHASH REDDY, J.)**

VR.